



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON D C 20201

JUL 10 2007

The Honorable Margaret Chan M D
Director-General
World Health Organization
Avenue Appia 20
1211 Geneva 27
Switzerland

Dear Madam Director-General

The revised World Health Organization's International Health Regulations 2005 (IHRs) will enter into force for the United States of America on July 17. I would like to reiterate my Government's commitment to the IHRs. I would also like to take the opportunity to share with you and through you with the other Member States of the World Health Organization (WHO) the rationale for the federalism reservation that was submitted by the United States.

The Constitution of the United States establishes a system of Government that distributes the power to govern between the Federal Government and the States; each recognizes the powers of the other while they jointly engage in certain governmental functions. Moreover, in areas of overlapping responsibility, the Constitution limits the manner in which the Federal Government can impose obligations on the States. In particular, there are limits on the power of the Federal Government to direct the use of the resources of State and local governments in instances in which the Federal Government might properly employ its own resources. In the United States, State and local governments - not the Federal Government - have primary responsibility for exercising certain powers necessary to respond to serious public-health emergencies within their borders. Thus, any response to a serious public-health emergency in the United States likely would require cooperation between these levels of Government.

In sum, our Constitution and governmental structure place the authority to carry out many of the provisions of the IHRs at different levels of government within the United States. The United States fully recognizes its obligations under the IHRs and intends to satisfy those obligations through appropriate Federal, State, and local action in accordance with the U.S. Constitution. In this regard, the Federal Government will exercise every effort to ensure that the provisions of the IHRs are given full effect by the pertinent authorities in the United States. In this sense, our reservation is largely about the internal modalities of fulfilling our obligations under the IHRs.

I appreciate the opportunity to further explain the U.S. reservation. Again, please let me reiterate the United States' commitment to the IHRs, as well as our willingness to collaborate closely with WHO Member States and the WHO Secretariat to achieve global public health security.

Sincerely,

A handwritten signature in black ink, reading "Michael O. Leavitt". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael O. Leavitt